

STATE OF SOUTH CAROLINA

(Caption of Case)

Combined Application of South Carolina Electric & Gas Co. for a Certificate of Environmental Compatibility and Public Convenience and Necessity and for a Base Load Review Order for the Construction and Operation of a Nuclear Facility at Jenkinsville, SC

194261
BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET

NUMBER: 2008 - 196 - E

(Please type or print)

Submitted by: Scott Elliott

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

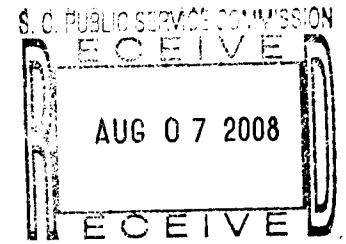
☐ Emergency Relief demanded in petition ☐ Request for item to be placed on Commission's Agenda expeditiously

☐ Other: _____

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input checked="" type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input checked="" type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

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August 6, 2008

Mr. Charles L.A. Terreni
Chief Clerk of the Commission
SC Public Service Commission
P. O. Drawer 11649
Columbia, SC 29211

RE: Combined Application of South Carolina Electric & Gas Company for a Certificate of Environmental Compatibility and Public Convenience and Necessity and for a Base Load Review Order for the Construction and Operation of a Nuclear Facility at Jenkinsville, South Carolina
Docket No. 2008-196-E

Dear Mr. Terreni:

As the record will reflect, we represent the South Carolina Energy Users Committee ("SCEUC") and CMC Steel South Carolina ("CMC Steel"), intervenors in the above captioned action. Given the novel questions of law and fact created by the Base Load Review Act, SC Code Ann. §§58-33-210 et seq, given the breadth and depth of the financial and technical facts and evidence underlying the application herein, and given the public interest in the construction of nuclear base load generation, the SCEUC and CMC Steel respectfully request that the hearing in this matter be continued and that the pre-filing deadlines be extended to permit the parties sufficient time to investigate and develop the record. Simply put, SCE&G proposes to build two nuclear plants with life spans of 60 years at its cost of \$6.3 billion and set in motion average annual rates increases of 2.5% during construction or 37% over the life of the project.

Although the order in this docket is due nine months after filing, or roughly by February 28, 2009, the hearing in this matter is set for October 27, 2008, just five months after filing. The applicant's testimony is due September 16, 2008; the direct testimony of all other parties is due a mere fourteen days later on September 30, 2008.

SCE&G is the first utility to request the relief afforded by a Base Load Review Order. Because SCE&G is on the cutting edge of nuclear construction in the United States, the utility proposes to build nuclear facilities which are novel in design and which have not been constructed before. A review of the application, public utterances of the utility, and preliminary discovery in the matter demonstrate the facts in issue and documentary evidence to be voluminous.

In other complex proceedings before this Commission, intervening parties have had the benefit of a more realistic pre-filing schedule. For instance, in the last two general rate cases before this Commission, both of which involved SCE&G, intervenors were given considerably more time to address the facts in issue in those proceedings. In Docket Number 04-178-E, the intervenors had approximately ninety (90) days to consider the direct testimony submitted in support of SCE&G's rate increase. In Docket Number 07-229-E, the intervenors were given approximately seventy-five (75) days to consider the direct testimony submitted in support of that application for a rate increase. These rate cases involved more traditional rate making concepts and familiar application of law to facts. Indeed the timetable for concluding these dockets was even more abbreviated than the timetable required in this docket: six months versus the nine months required in this docket.

Therefore, we respectfully request that the hearing in this matter be continued to January 12, 2009, and that the pre-filing deadlines be set as follows:

Direct testimony of Applicant	September 16, 2008
Direct testimony of all other parties	November 17, 2008
Rebuttal testimony	December 1, 2008
Sur-rebuttal testimony	December 15, 2007.

The schedule requested would not only afford all other parties additional time to investigate the voluminous facts and evidence associated with this docket but also would provide the intervening parties sufficient time to respond to the applicant's pre-filed direct testimony.

We note that SCE&G has now filed an application for a mid-year increase for recovery of its fuel costs requesting a hearing be set October 20, 2008. The timing of SCE&G's application for a mid-year fuel cost increase further impairs the intervenors' ability to investigate and litigate the issues in the base load proceeding and militates in favor of modifying the schedule as outlined herein.

Therefore, we respectfully request that this Commission grant a continuance in the matter as outlined and reestablish the filing dates as set out herein. If counsel or the Commission has questions, we would be happy to answer them.

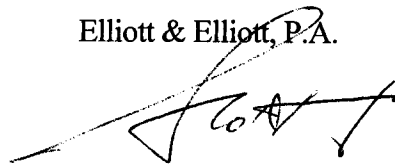
Sincerely,

Brickfield, Burchette, Ritts & Stone, P.C.


Damon E. Xenopoulos

Sincerely,

Elliott & Elliott, P.A.


Scott Elliott

SE/jcl

cc: All Parties of Record